

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

SHAWNNA MARIE ROMERO,

Plaintiff,

vs.

CIV 10-1200 KBM

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

**AGREED ORDER AWARDING ATTORNEY FEES UNDER EAJA**

THIS MATTER having come before the Court upon Plaintiff's Motion for Attorney Fees under Equal Access to Justice Act, *see Doc. 22*, and Defendant having no objection to the request for fees in the amount requested, *see Doc. 23*, the Court finds that the motion should be granted.

**IT IS THEREFORE ORDERED** that attorney fees be, and hereby are, awarded under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), payable to Plaintiff in the amount of \$4,032.40. *See Astrue v. Ratliff*, 130 U.S. 2521 (2010) (EAJA fees are paid to the prevailing party, not the attorney).

**IT IS FURTHER ORDERED THAT**, if Plaintiff's counsel receives attorney fees under both the EAJA and 42 U.S.C. § 406(b) of the Social Security Act, Plaintiff's counsel shall refund the smaller award to Plaintiff pursuant to *Weakley v. Bowen*, 803 F.2d 575, 580 (10<sup>th</sup> Cir. 1986).



---

UNITED STATES CHIEF MAGISTRATE JUDGE